



General Assembly

January Session, 2009

Amendment

LCO No. 7463

SB0112607463SD0

Offered by:
SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 1126

File No. 677

Cal. No. 470

"AN ACT CONCERNING LAND RECORDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 12-174 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 Any person, as owner in whole or in part of, or fiduciary having
6 control of, or interest in, any real estate, may file with the tax collector,
7 at any time within ninety days from the date when the first installment
8 of a tax, or the whole tax in case installments are not authorized, has
9 become due, and within thirty days from the date when the second or
10 any succeeding installment of a tax, all previous installments of which
11 have been paid, has become due, an affidavit showing in detail the
12 existence of unusual financial or other circumstances which justify
13 deferring collection of the tax laid upon such real estate. On receipt of
14 such affidavit, which shall request that the collection of such tax be
15 deferred, the tax collector shall, with [his] the tax collector's

16 recommendations thereon, refer the same to the selectmen if a town
17 not consolidated with a city or borough, to the common council or
18 mayor and board of aldermen if a city, to the warden and burgesses if
19 a borough or to the governing board if any other municipality, for
20 authority to continue the lien securing such tax for a period not
21 exceeding fifteen years. If action granting such authority is taken
22 within sixty days from the receipt thereof, but not otherwise, the tax
23 collector shall make out and file, within the first year after the first
24 installment of the tax, or the whole tax in case installment payments
25 are not authorized, has become due, a certificate containing the
26 information required in section 12-173, and the town clerk shall record
27 such certificate; provided, (1) the tax collector shall notify the owner of
28 such real estate of the intent to file a lien by mail not later than fifteen
29 days prior to the filing of such lien, and (2) if such affidavit is
30 approved with respect to any installment, the succeeding installments,
31 if any, shall become due and payable from the due date of such
32 installment, and such certificate shall be made out and recorded to
33 secure payment of all unpaid installments of such tax. Failure to notify
34 such owner of the intent to file a lien shall not affect the validity of the
35 lien. Each tax, the lien for which has been continued by certificate
36 under the provisions of this section, shall not be subject to interest as
37 provided by section 12-146. Each lien continued by certificate under
38 the provisions of this section shall be subject to foreclosure at any time,
39 but shall be invalid after the expiration of fifteen years from the date of
40 recording the certificate continuing the same, unless an action of
41 foreclosure has been commenced within such time. After the
42 expiration of such period of fifteen years, if such action has not been
43 commenced, the [town clerk] tax collector then in office shall, upon the
44 request of any interested person, discharge such lien of record by
45 [noting on the margin thereof the words "Discharged by operation of
46 law", together with the date and his signature] filing a discharge of lien
47 in the office of the town clerk, and the town clerk shall record a
48 discharge of lien in the land records.

49 Sec. 2. Section 12-175 of the general statutes is repealed and the

50 following is substituted in lieu thereof (*Effective October 1, 2009*):

51 In addition to the method of procuring the continuance of the lien
52 provided in section 12-174, as amended by this act, the tax collector of
53 any municipality may continue any tax lien upon any item of real
54 estate by making out a certificate containing the information required
55 by the provisions of section 12-173. Each certificate authorized by the
56 provisions of this section shall be filed in the office of the town clerk of
57 the town in which such real estate is situated not later than two years
58 after the first installment of the tax, or the whole tax in case installment
59 payments are not authorized, has become due, and the town clerk shall
60 record such certificate in the land records of such town, provided the
61 tax collector shall notify the owner of such real estate of the intent to
62 file a lien by mail not later than fifteen days prior to the filing of such
63 lien. Failure to notify such owner shall not affect the validity of the
64 lien. Each such tax, as it may have been increased by interest, fees and
65 charges provided for by law, shall remain a lien upon such real estate
66 from the date of the filing of such certificate; and any tax lien so
67 continued, when the amount due has been paid, may be discharged by
68 a certificate of the then tax collector [of taxes] recorded in such land
69 records; but any tax lien upon private property which has been
70 recorded in the land records of any town for more than fifteen years
71 from the due date of the tax shall be invalid, and such property shall
72 be free from the encumbrance of such lien, unless an action of
73 foreclosure has been commenced during such period of fifteen years
74 and a notice of lis pendens filed for record, and the [town clerk] tax
75 collector shall, if no such notice has been filed, upon the request of any
76 interested person, discharge such lien of record by [noting on the
77 margin of such record the words, "Discharged by operation of law"]
78 filing a discharge of lien in the office of the town clerk, and the town
79 clerk shall record a discharge of lien in the land records.

80 Sec. 3. Subsection (c) of section 47-70a of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective*
82 *October 1, 2009*):

83 (c) Notwithstanding any other provision of this chapter or the
84 condominium instruments, the designation of the agent for the service
85 of process named in the declaration may be changed from time to time
86 by recording in the land records wherein the declaration is recorded
87 the instrument for designation of an agent for service of process, which
88 if the association is incorporated, shall be a copy of the instrument
89 transmitted to the Secretary of the State or if not incorporated, an
90 instrument including the same information as such an instrument for
91 designation of agent. In addition, the instrument for designation shall
92 refer to the volume and first page of the original condominium
93 instruments. [and a marginal notation thereon shall be made by the
94 town clerk of such change.]

95 Sec. 4. Subsection (e) of section 47-270 of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective*
97 *October 1, 2009*):

98 (e) The association shall, during the month of January in each year,
99 file in the office of the town clerk of the municipality or municipalities
100 where such common interest community is located a certificate setting
101 forth the name and mailing address of the officer of the association or
102 the managing agent from whom a resale certificate may be requested,
103 and shall, thereafter, file such a certificate within thirty days of any
104 change in the name or address of such officer or agent. The town clerk
105 shall [keep such certificate on file in his office and make it available for
106 inspection] record such certificate in the land records.

107 Sec. 5. Subsection (d) of section 49-13 of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective*
109 *October 1, 2009*):

110 (d) Upon deposit of the balance of indebtedness with the clerk, such
111 judgment shall issue, which judgment shall, within thirty days
112 thereafter, be recorded in the land records of the town in which the
113 property is situated, and the encumbrance created by the mortgage,
114 foreclosure judgment, attachment, lis pendens or other lien shall be

115 null and void and totally discharged. The town clerk of the town in
116 which the real estate is situated shall, upon the request of any person
117 interested, [endorse on the record of the encumbrance or lien the
118 words "discharged by judgment of the Superior Court", and list the
119 volume and page number in the land records where the judgment is
120 recorded] record a discharge of such encumbrance in the land records.

121 Sec. 6. Section 49-88 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2009*):

123 A lien on real estate arising under the provisions of section 49-86
124 shall not continue in force as a lien for a longer period than fifteen
125 years after the date thereof unless within said period an action on the
126 bond in connection with which the notice of lien was filed has been
127 prosecuted to effect and a judgment lien against the surety filed
128 according to law. All liens on real estate which have expired under the
129 provisions of this section shall be deemed dissolved and the real estate
130 shall be free from any lien or encumbrance by reason of the same and
131 the town clerk of the town in which the real estate is situated shall,
132 upon the request of any person interested, [endorse on the record of
133 the notice of lien the words "discharged by operation of law"]
134 discharge such lien of record by recording a discharge of lien in the
135 land records.

136 Sec. 7. Section 49-90 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2009*):

138 If any lien arising under the provisions of section 49-86 has been
139 made and the plaintiff has withdrawn his suit or has been nonsuited or
140 final judgment has been rendered against him, or if such suit has not
141 been returned, or if for any reason such lien has become of no effect,
142 the clerk of the court to which such suit has been made returnable
143 shall, upon the request of any person interested, issue a certificate in
144 accordance with the facts, which certificate may be filed in the office of
145 the town clerk, and such town clerk shall [note on the margin of the
146 record where such lien is recorded] record such certificate in the land

147 records.

148 Sec. 8. Section 49-91 of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective October 1, 2009*):

150 In any proceeding wherein a lien has been filed pursuant to the
151 provisions of section 49-86, if the plaintiff therein has received
152 satisfaction for his claim, or final judgment has been rendered against
153 him thereon, or when for any reason the lien has become of no effect,
154 the plaintiff or his attorney, at the request of any person interested in
155 the estate liened or in having the lien removed, shall [lodge] file a
156 certificate with the town clerk that the lien is removed. Each such
157 certificate shall be recorded [at length in a book kept for that purpose]
158 by the town clerk [as a part of] in the land records of the town wherein
159 the property affected by the release is located or wherein the notice of
160 lien was filed.

161 Sec. 9. Section 52-322 of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2009*):

163 When the estate of any person has been attached in any proceeding
164 wherein a certificate of such attachment or a copy of the writ or
165 proceeding is required by law to be filed in the office of the town clerk,
166 and the plaintiff therein has received satisfaction for [his] the plaintiff's
167 claim, or final judgment has been rendered against [him] the plaintiff
168 thereon, or when for any reason such attachment has become of no
169 effect, such plaintiff or [his] the plaintiff's attorney, at the request of
170 any person interested in the estate attached or in having the
171 attachment lien removed, shall [lodge] file a certificate with such town
172 clerk that such attachment is dissolved and such lien removed. Each
173 such certificate shall be recorded [at length in a book kept for that
174 purpose] by such town clerk [as a part of] in the land records of the
175 town wherein the property affected by the release is located or
176 wherein the certificate of attachment was filed.

177 Sec. 10. Section 52-324 of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective October 1, 2009*):

179 If an attachment, such as is set forth in section 52-322, as amended
180 by this act, has been made and the plaintiff has withdrawn [his] the
181 plaintiff's suit or has been nonsuited or final judgment has been
182 rendered against [him] the plaintiff, or if such suit has not been
183 returned, or if for any reason such attachment has become of no effect,
184 the clerk of the court to which such suit has been made returnable
185 shall, upon the request of any person interested, issue a certificate in
186 accordance with the facts, which certificate may be filed in the office of
187 the town clerk, and [shall by] such town clerk [be noted on the margin
188 of the record where such attachment is recorded] shall record such
189 certificate in the land records.

190 Sec. 11. Section 52-327 of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective October 1, 2009*):

192 No attachment of real estate shall continue in force as a lien for a
193 longer period than fifteen years after the date thereof unless within
194 said period the action in which such attachment was made has been
195 prosecuted to effect and a judgment lien filed according to law. All
196 attachments of real estate which have expired as a lien by the
197 provisions of this section shall be deemed dissolved and the real estate
198 shall be free from any lien or encumbrance by reason of the same and
199 the town clerk of the town in which such real estate is situated shall,
200 upon the request of any person interested, [endorse on the record of
201 such attachment the words "discharged by operation of law"]
202 discharge such attachment lien by recording a discharge of lien in the
203 land records.

204 Sec. 12. Section 49-92d of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective October 1, 2009*):

206 The town clerk of the town in which the purchaser's lien is filed
207 shall, upon request of any person having an interest in the real estate
208 covered by that lien, [cause to be entered upon the land records a
209 notation that the lien and, if applicable, the lis pendens or notice of
210 foreclosure, is discharged by operation of law] discharge such lien and,

211 if applicable, the lis pendens or notice of foreclosure, by recording in
 212 the land records a discharge of lien and, if applicable, a discharge of lis
 213 pendens or notice of foreclosure, provided the purchaser's lien has
 214 expired by a provision of the statute of limitations, and (1) no lis
 215 pendens or notice of foreclosure of the lien has been filed with that
 216 town clerk, or (2) if a lis pendens or notice of foreclosure has been so
 217 filed or recorded and a certificate, issued by the clerk of the court to
 218 which the notice referred after the return day of the foreclosure action,
 219 [and] indicating that no such foreclosure action remains pending and
 220 that no judgment has been entered in the action in that court, has been
 221 filed for record with the town clerk."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	12-174
Sec. 2	<i>October 1, 2009</i>	12-175
Sec. 3	<i>October 1, 2009</i>	47-70a(c)
Sec. 4	<i>October 1, 2009</i>	47-270(e)
Sec. 5	<i>October 1, 2009</i>	49-13(d)
Sec. 6	<i>October 1, 2009</i>	49-88
Sec. 7	<i>October 1, 2009</i>	49-90
Sec. 8	<i>October 1, 2009</i>	49-91
Sec. 9	<i>October 1, 2009</i>	52-322
Sec. 10	<i>October 1, 2009</i>	52-324
Sec. 11	<i>October 1, 2009</i>	52-327
Sec. 12	<i>October 1, 2009</i>	49-92d